(234)

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1993/NGO/40
23 February 1993

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 28

COMMEMORATION OF THE INTERNATIONAL YEAR OF THE WORLD'S INDIGENOUS PEOPLE

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[23 February 1993]

VIOLENCE AGAINST THE INDIGENOUS PEOPLES OF THE AMAZON BASIN

1. Whereas 1992 marked the 500th anniversary of the year in which the Europeans reached the islands and various regions of the American continent, 1993 has been proclaimed the International Year of the World's Indigenous People. This mark of recognition of the very existence of indigenous peoples can be viewed as a victory. Yet we are compelled to note that it is a celebration which does nothing to overcome the still tragic situation of the peoples of the Brazilian Amazon. As spokesman for the Coordinating Body of the Indigenous Peoples' Organization of the Amazon Basin, founded in 1988 at the first General Assembly of the Amazon Peoples, the International Federation Terre des Hommes wishes to report to the Commission on Human Rights on the tragic situation of these many different peoples, who are still being subjected to violence and to violations of their fundamental rights.

2. The process whereby the indigenous peoples of the Amazon were brought into contact with Brazilian society interfered greatly with traditional cultures and produced extreme situations in regard to the physical and ethnic

survival of many peoples. It is a process that has led to death, sickness, exploitation, divisiveness between peoples, dissension in some communities and failure to respect the fundamental rights of the Indians as peoples and as individuals. The violence against these peoples continues and is marked by unending invasion of indigenous lands by lumberjacks, gold-panners, fishermen, as well as big landowners and mining companies. Government projects are not without a bearing on this invasion of indigenous lands, as evidenced in the building of roads and dams, and in mining operations and in military bases. The figures speak for themselves. The FUNAI (National Foundation for Indians) Health Department found that, for the first half of 1992, 700 Indians died in national territory, largely as a result of disease, epidemics and clashes. Close on 70,000 Indians are exposed to diseases that endanger their survival, such as measles, tuberculosis, malaria, infantile paralysis, and so on. This situation points to the ineffectiveness of the State health services for the indigenous population.

3. The Deni people now consists of 530 persons living in various villages along the Xerua River, in the Jurua basin, and the Cunhua River, in the Purus basin. This indigenous area was identified by FUNAI in 1985, but the demarcation process is now at a halt. This has made it possible for these lands to be taken over, the result being enormous harm to the Deni people. The Xerua River Indians, who were previously 277 in number, have suffered from a measles epidemic which, from December 1991 to April 1992 caused 58 deaths. Six other persons died from April to October 1992. These 64 deaths signify a mortality rate of 23 per cent. Despite the situation, the invasions continue and the Brazilian authorities have taken no steps to protect these people.

4. The territory of the Cita Larga people is in the Aripuana Indigenous Park, which also includes the Zoro and Surui nations, east of Rondonia and north-west of the Mato Grosso. In 1972, the Cita Larga population numbered 5,000 persons, and now only 600 have survived. The cause of this massacre has largely been violence in the early contacts between the pioneers and the Indians. Even today, massive incursions into this indigenous area by lumberjacks, gold-panners, small peasants (posseiros) and big landowners are commonplace. A recent survey showed that this indigenous area had more than 1,500 km of roads, used illegally by timber companies in obtaining tropical hardwoods. Like the Cinta Larga people, other indigenous peoples in this region are also in a precarious situation. We can say that the invasions in this region are widespread and we have in our possession many documents as evidence of this fact.

5. The 12 indigenous peoples of the Javari Valley in the Upper Solimoes region, still find that their land is being invaded by timber companies, despite countless complaints, lobbying of the Brazilian Federal Government and appeals to the Working Group on Indigenous Peoples and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. All of these efforts were to no avail. Today, a number of companies are continuing to invade this indigenous area, even though access has been forbidden under FUNAI Ordinance No. 1542/85. They are mainly timber companies, Icoman (Industria e Comercio de Madeira de Atalaia do Norte), Madenorte (Madeira de Atalaia do Norte) Irmaos Graca Ltda, Floresta, Icom (Industria e Comercio do Norte), and many others working entirely illegally in Peru and secretly importing timber from the Javari Valley.

6. Apart from the epidemics caused by contact with the outside and the takeover of lands, the building of dams also brings disastrous consequences to the regions and the inhabitants. The territory of the Parakana people, along the Tocantins River, has been wholly flooded by the immense lake from the Tucurui dam. This dam has led to an enormous spread of the "Caboverde" mosquito, and a person can sometimes suffer 800 bites in an hour. The peasants, both Indian and non-Indian, have been prevented from working because of these mosquitoes, and to date they have been camping in front of the Eletronorte installations. The encampment has now been there for 16 months and the living conditions are inhuman; not only have cases of malaria risen by 50 per cent, but the population is also suffering from diarrhoea caused by numerous tests with unsuitable insecticides.

7. The cases of violence in the Brazilian Amazon are innumerable. Some examples speak volumes and reveal the situation regarding the Indian depopulation. The violence is committed by the Brazilian authorities and by foreign industries, by gold-panners, lumberjacks and big landowners:

(a) In August 1992, several Macuxi communities in the State of Roraima were raided by heavily armed soldiers. One Indian was abducted. The communities were searched and looted in these highly destructive operations;

(b) Out of 60 barrels of toxic products left by the French company, Elf-Aquitaine, which was prospecting in the Satrere-Makure indigenous area, 30 are still there and are still causing cases of poisoning among the Indians;

(c) Despite the authorization of the Yanomami indigenous area by former President Fernando Collor, these lands are constantly being invaded by hundreds and hundreds of gold-panners. These unending invasions have led only recently to a definite response by the Brazilian authorities. At the present time, a few thousand gold-panners are reportedly being evicted.

8. Acts of violence are constantly being committed in the Brazilian Amazon against the indigenous peoples, yet these crimes go unpunished. In 1988, 15 Ticuna Indians from the Capacete community, in the Upper Solimoes region (State of Amazonas), were massacred and 34 others were seriously wounded by fishermen and lumberjacks backed by Oscar Castelo Branco, a landowner. In spite of countless promises by the Minister of Justice, no sentence or conviction has been handed down and the guilty parties are still free. A judgement was none the less scheduled for November 1991. In view of the fact that politicians from the region were implicated in this conflict, an application was made to transfer the proceedings to Manaus, the State capital. The prosecutor objected sharply to such a transfer of venue. But since the 1988 Constitution stipulates that cases connected with indigenous affairs should be tried by the federal courts, an application was therefore made to transfer the hearing to the federal courts and not to the courts of the State of Manaus. The Procurator-General supported the application, which was none the less rejected at the end of 1992. Things have therefore been brought to a halt, in spite of a further appeal to the federal courts against this ruling. The same has happened in connection with the 1989 massacre in the Itaquai River region (Javari Valley). Four isolated Korubo Indians were gunned down by a group of fishermen from the region. This case, before the federal court in Manaus, has also been held up.

9. At a time when all sectors of Brazilian society are in search of alternatives that will lead to genuine democracy, the official indigenous policy has reverted to a delicate past. An old ideological, essentially military, school of thought has re-emerged and its goal is to revive the Calha Norte project, which was intended to establish a militarized strip of territory along Brazil's northern frontier. The Coordinating Body of the Indigenous Peoples' Organizations of the Amazon Basin noted the effects of this project when it was carried out in some indigenous areas on the borders. It brought no social benefits to the local populations; indeed, it was a heavy burden. The consequences of this military project are many in number and entail much interference in the traditional culture of these peoples, leading to dissension within communities and creating further economic dependence that make the communities' balance and social organization more vulnerable. Still worse, the Calha Norte project, even in its new version, will lead to the disappearance of the indigenous peoples by a policy of so-called integration, interbreeding and acculturation. Apart from the presence of the military in the Amazonia, the official policy is marked by the fact that constitutional laws to protect the indigenous populations are not applied. The five-year period provided for in the 1988 Brazilian Constitution for the demarcation of all indigenous territories in the Amazon will come to an end in October 1993. In fact, 254 indigenous areas have yet to be demarcated. This accounts for 70 per cent of all indigenous territories in the Amazon region. Among these 254 areas, there are 57 on which no action whatsoever has been taken to date.

10. We would point out again that the rights of indigenous peoples are being trampled under foot. These rights, set out in the 1988 Constitution, have never been implemented and have never come outside the administrative purview of the State. The respectful tone used in the Constitution in connection with the indigenous question is clearly to be used solely to enhance Brazil's image in its international negotiations. The Coordinating Body of the Indigenous Peoples' Organization of the Amazon Basin and other Amazon region indigenous organizations sharply denounce this government policy, which leads to genocide and systematic violations of the rights of the indigenous peoples. It is also contrary to the various international agreements ratified by Brazil: we have in mind chiefly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide.

11. The International Federation Terre des Hommes would therefore request the Commission on Human Rights, in view of the responsibility of the entire international community for the success of the International Year for the World's Indigenous People, to weigh up and endorse the just grievances of the peoples of the Brazilian Amazon and for it to intercede with the Brazilian Government, urging real respect for, and urgent realization of, the fundamental constitutional rights of these peoples.

- - - - -